

Remarks

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. In the April 7, 2005, Office Action, the Examiner rejected Claim 1 under 35 U.S.C. § 102(b) as being anticipated by the Juvinall et al. reference (U.S. Patent No. 4,601,395). The Examiner rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over the Juvinall et al. reference in view of the Ishikawa et al. reference (U.S. Patent No. 4,924,083). The Examiner objected to Claims 3-7 as being dependent upon a rejected base claim, but indicated that these claims would be allowable if rewritten in independent form.

Claims 1 and 4 have been amended. Claims 2 and 3 have been cancelled. No new matter has been added. Accordingly, Claims 1 and 4-7 (5 claims) will remain pending in the present application upon entry of this Amendment G.

A detailed listing of all the claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

Claim Amendments

The Applicant has amended Claim 1 to include the limitations of Claims 2 and 3. The Applicant has cancelled Claims 2 and 3. The Applicant has also amended Claim 4 to change the dependency of the claim from cancelled Claim 3 to Claim 1.

No new matter has been added.

Response to Claim Rejection

under 35 U.S.C. § 102

The Examiner rejected Claim 1 of the present application under 35 U.S.C. § 102(b) as being unpatentable over the Juvinall et al. reference. The Examiner indicated that Claim 3 is allowable.

While the Applicant firmly disagrees with the Examiner's rejection and the reasoning supporting it, the Applicant has decided to amend Claim 1 in order to advance the prosecution of the present application. As such, the Applicant has amended Claim 1 to include the limitations of Claims 2 and 3. The Examiner indicated in the April 7, 2005, Office Action that Claim 3 would be allowable if rewritten in independent form. Claim 3 was dependent from Claim 2 which was dependent from original Claim 1. Therefore, the Applicant believes that amended Claim 1, including the limitations of Claims 2 and 3, is allowable. Claims 4-7, dependent from allowable independent Claim 1 are also allowable. See 35 U.S.C. § 112, paragraph 4. The Applicant respectfully requests that the Examiner allow Claims 1 and 4-7.

Response to Claim Rejection

Under 35 U.S.C. § 103(a)

The Examiner rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over the Juvinal et al. reference in view of the Ishikawa et al. reference. While, the Applicant firmly disagrees with the Examiner's rejection and the reasoning supporting it, the Applicant has cancelled Claim 2 in order to advance the prosecution of the present application.

Double Patenting

The Examiner indicated in a telephone conference of February 12, 2010, that if the present application were placed in position for allowance that the Examiner would issue a double patenting rejection based on U.S. Patent No. 6,618,495. Applicant has decided to remove this issue by filing a Terminal Disclaimer. Accordingly, accompanying this Amendment G is a Terminal Disclaimer in compliance with 37 CFR § 1.321(b) to overcome the potential double patenting rejection. The conflicting patent, U.S. Patent

No. 6,618,495, is assigned to Emhart Glass S.A., the assignee of the present patent application.

Conclusion

It is submitted that each outstanding objection and rejection to the application has been overcome, and that the application is in condition for allowance. The Applicants request consideration and allowance of all pending claims (Claims 1 and 4-7). The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted:

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